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*General assembly. second session. 1833.*

ALABAMA—LEGISLATURE, OF—TARIFF—NULLIFICATION.

FEBRUARY 25, 1833.

Read, and laid upon the table

*Report of the Select Committee of the House of Representatives, to whom was referred so much of the Message of the Governor as relates to the tariff, to the principle of protection, and to the doctrine of nullification.*

The select committee, to whom was referred so much of the message of the Governor as relates to the tariff, to the principle of protection, and to the doctrine of nullification, have had the same under consideration, and have instructed me to report a preamble and resolutions, which they respectfully submit to the House for its adoption.

Your committee, deeply impressed with the present alarming crisis in our history, have given to the subject that profound consideration which its paramount importance so justly demands. So much has been said and written on the subjects submitted to them, that they may be said to be exhausted, and they will, therefore, submit a very few brief remarks prefatory to the resolutions which they recommend to the adoption of the House.

In a country of such vast extent as the United States, embracing such a variety of soil, climate, and products, and inhabited by a people whose pursuits are as various as the climate under which they live, any attempt, on the part of the Government, to force manufactures into existence by governmental bounties, must, of necessity, operate unequally, and therefore be unjust.

If it be a truth, not now to be questioned, that no government can justly take from one portion of its citizens a part of their property to benefit another, it is more especially unjust in a country like ours, composed of different States, who are united in one common bond only for the purpose of providing for the common defence, of promoting the general welfare, and securing the blessings of liberty to themselves and their posterity. For these purposes this Union was formed, and it cannot be supposed that those who consented to it intended, by implication and construction, to confer on the General Government powers destructive of their happiness and best interests. Laws having this operation, and professing to derive their authority from the constitution under which we live, being opposed to the true interests of every section of the republic, and unjust in their operation on the southern States, even if sustained by the letter of the constitution, are contrary to its spirit, and at war with the general scope and tenor of that instrument.



It cannot be believed that, if the framers of the constitution had designed the exercise of such a power as the right to create and protect domestic manufactures by a system of high duties, that it would have been left to inference or implication. Its framers, therefore, could not have intended that such a power should be exercised. This reasoning is founded on, and these results drawn from, the instrument itself; but, in addition thereto, contemporaneous history informs us that, in the Convention which framed the constitution, it was proposed in various modes to give that power to Congress, and refused.

It is the exercise of this power which a large majority of the south believe to be against the spirit of the constitution, and no inconsiderable number contrary to its express letter; which has driven them to consider their Government as foreign to their interests, and alien to their feelings, instead of looking up to it with pride and veneration as the world's last hope, and as the favorite resort of freedom. No inconsiderable portion of the south have begun to estimate its value, and to contemplate even disunion itself as an evil less formidable than submission to the exactions of the Government.

And now, at this fearful crisis, when one of our co-States has assumed the alarming attitude of declaring an act of Congress void within her limits, and the note of preparation is sounded to sustain this attitude by force, what shall Alabama do? Our answer is never to despair of our country. We believe that there is a vital energy, a living principle inherent in our institutions, and a sense of justice residing in the bosom of our fellow citizens, which, when properly appealed to, must succeed. We concede that our northern brethren believe that they are acting within the pale of the constitution, but can it be believed that they will, by insisting on the obnoxious duties, peril the union of these States, and make shipwreck of the last hope of mankind? Can any pecuniary benefit compensate for results like these? If blood be shed in this unhallowed contest, a wound will be inflicted which may never be healed: to confidence will succeed distrust, mutual recriminations, and mutual injuries: and the choicest blessings of Heaven, by the madness and folly of man, will be converted into the most deadly poison.

Deeply impressed with these views, we recommend the adoption of the following resolutions, which we are satisfied embody the opinions of our constituents, and, in their name, propose to our co-States a Federal Convention.

*Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That we consider the present tariff of duties unequal, unjust, oppressive, and against the spirit, true intent, and meaning of the constitution; that, if persevered in, its inevitable tendency will be to alienate the affections of the people of the southern States from the General Government.*

*And be it further resolved, That we do not consider the tariff of 1832 as fastening upon the country the principle of protection; but that we receive it as the harbinger of better times—as a pledge that Congress will, at no distant period, abandon the principle of protection altogether, and reduce the duties on imports to the actual wants of the Government, levying those duties on such articles as will operate most equally on all sections of the Union.*

*And be it further resolved, That nullification, which some of our southern brethren recommend as the constitutional remedy for the evils under which we labor, is unsound in theory and dangerous in practice; that as a*

remedy, it is unconstitutional and essentially revolutionary, leading in its consequences to anarchy and civil discord, and finally to the dissolution of the Union.

*And be it further resolved,* That we earnestly entreat the people of this State not to distrust the justice of the General Government, and to rest satisfied that, though long delayed, it will certainly be accorded to them. And above all things, to avoid those dangerous and unconstitutional remedies proposed for their imitation and adoption, no matter how specious their exterior, which may lead to bloodshed and disunion, and will certainly end in anarchy and civil discord. And, at the same time, we would most solemnly adjure the Congress of the United States, in the name of our common country, to abandon the exercise of those dubious and constructive powers claimed under the constitution, the assertion of which has produced jealousy, excitement, and disaffection to the Government, and, if persevered in, will, in all human probability, dissolve this Union. By this means, and by this alone, can we be prevented from fulfilling our high destinies, and our onward march to greatness be arrested.

*And be it further resolved,* That as we have now, for the first time in the history of our country, presented to us the appalling spectacle of one of the States of this Union arraying herself against the General Government, and declaring sundry acts of Congress void and of no effect within her limits; presenting to Congress the alternative of repealing the obnoxious laws, or permitting her secession from the Union, and preparing by an armed force to sustain the position she has assumed; and as we cannot silently look on, and witness the failure of all the high raised hopes and just expectations of those patriots who cemented our liberty with their blood—Therefore, as a last resort, we recommend to our co States the calling of a **FEDERAL CONVENTION**, to meet in the city of Washington, on the 1st of March, 1834, or at such other time and place as may be agreed on, which shall be authorized to devise and recommend some plan which will satisfy the discontents of the South, either by an explicit denial of the right of Congress to protect domestic industry by duties on imports laid for protection, or by defining and restricting the power aforesaid within certain prescribed limits, and making such other amendments and alterations in the constitution as time and experience have discovered to be necessary.

*Resolved,* That the Governor be desired to transmit a copy of the foregoing resolutions to the President of the United States, and to the Executive of each of the States, with a request that the same may be communicated to the Legislature thereof.

*Resolved, further,* That the Executive furnish a copy of said resolutions to each of our Senators and Representatives of this State in the Congress of the United States.

SAM'L W. OLIVER,  
*Speaker of the Ho. Reps.*  
LEVIN POWELL,  
*President of the Senate.*

Approved, 12th January, 1833.

JOHN GAYLE.

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